IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.259 of 2006

IN

SUIT NO.1872 OF 1992

Chandulal Narandas Thakkar
and others. ...Plaintiffs

vs.

Karsandas Haridas Chikhal
and others. ...Defendants.

And

Leelavati Chabildas Kapadia
and others. ...Respondents.

Mr.Virag Tulzapurkar with Ms.Alpana Ghone i/b. M/s.Kanga & co., for Plaintiffs.

Mr.S.Shetye i/b. M/s.P.M. & Mithi & Co., for Defendant nos.3,12 and 13.

Mr.Navin Parekh i/b. Ms.Hetal Patel, for Defendant no.10.

Mr.A.Y.Bookwala i/b. Utangale & Co., for Defendant no.15.

Mr.K.A.Sampat for proposed defendant no.10.

Mr.Bergis Colabawala i/b. M/s.Madekar & co. for Respondent nos.4 to 6.

CORAM: D.K.DESHMUKH,J.

DATED: 13th April, 2006.

P.C.:-

1. Except the proposed defendant no.10, all other parties have no objection to the amendment to be carried out in the plaint as claimed by this chamber summons. The chamber summons is also for setting aside the abatement of the suit. An objection is raised on behalf of defendant no.10 that the defendant no.10 is not a necessary party. But the learned Counsel appearing for defendant no.10 himself states that though there is no decree claimed against defendant no.10, if the decree as claimed in the suit is granted in favour of the plaintiff, interest of defendant no.10 may be adversely affected. Therefore, defendant no.10 would be a proper party, and therefore, the plaintiffs can join defendant no.10 as a party. The chamber summons is therefore, granted in terms of prayer clause (a), (b) and (c). The amendment to be carried out within a period of two weeks from today. The chamber summons is disposed of.

All the contentions of all the parties which

are raised in this chamber summons are kept open.

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